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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/002,832

Applicant(s)

TRIPATHI ET AL.

Examiner

Anh-Vu H. Ly

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-27 is/are rejected.
- 7) ☒ Claim(s) 16,17,21,26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 2616

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed February 20, 2007.

Claims 1-9 and 11-27 are pending.

Claim Objections

2. Claims 16-17, 21, 26, and 27 are objected to because of the following informalities:

With respect to claim 16, in line 6, replace "a distinct address" with --distinct addresses-- since, as recited in lines 8-9, "retrieve the announcement from any of **the distinct addresses**".

Further, in line 8, replace "the announcement" with --an announcement-- to eliminate the issue of lacking clear antecedent basis.

With respect to claim 17, in line 1, replace "the announcement" with --an announcement--.

With respect to claim 21, in line 6, replace "on the address" with --to the address--.

With respect to claims 26 and 27, in lines 1-2, replace "therein instructions" with --therein computer executable instructions--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

Art Unit: 2616

application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kozdon et al (US Patent No. 6,456,601 B1). Hereinafter, referred to as Kozdon.

With respect to claims 1, 21, and 26, Kozdon discloses a method of multicasting announcements in a communication network (Fig. 3), the method comprising:

establishing an address in a memory (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming an announcement (Fig. 3, steps 43-44, announcements and progress tones are formed);

determining when the announcement will be played to the address (col. 6, lines 31-36, in step 46, the stored tones and deliveries are associated with multicast addresses. This may be performed by identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10 or hard disk locations of the music source. Herein, the tones and deliveries are played to the addresses only when the locations in the memory space are already determined); and

broadcasting the announcement to the address (Fig. 3, step 46, music-on-hold, announcements and progress tones are broadcasted to the addresses).

With respect to claims 2 and 22, Kozdon discloses communicating the address to a device, and retrieving the announcement from the address (col. 6, lines 42-46, the telephony-

Art Unit: 2616

enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses).

With respect to claims 3, 7, 18, and 23, Kozdon discloses that wherein the announcement is a tone (Fig. 3, step 44).

With respect to claims 4, 8, and 24, Kozdon discloses that wherein the tone is a call-ringing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claims 5, 9 and 25, Kozdon discloses that wherein the tone is a call-routing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claim 6, Kozdon discloses a system of multicasting announcements (Fig. 2), the system comprising:

- a caller device (Fig. 2, element 24);

- a proxy coupled to the caller device (Fig. 2, proxy 42);

- a called party device, the called party device coupled to the proxy (Fig. 2, element 34);

- an announcement server, the announcement server coupled to the proxy (Fig. 2, multicast server 10), the announcement server determining when the selected announcement will be played

Art Unit: 2616

to a plurality of addresses in a memory (col. 6, lines 31-36, in step 46, the stored tones and deliveries are associated with multicast addresses. This may be performed by identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10 or hard disk locations of the music source. Herein, the tones and deliveries are played to the addresses only when the locations in the memory space are already determined) and broadcasting selected announcements to the addresses in the memory (Fig. 3, step 46), the announcement server communicating the plurality of address to the proxy and wherein the proxy communicates an address of the plurality of addresses to the caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forwarded the addresses to the telephony-enabled devices to enable the devices to register); and wherein the caller device retrieves an announcement from the address (col. 5, lines 44-47, the telephone 24 uses CTI messages to control the playback of the call progress tones or audio deliveries to the party at telephone 34 from the proxy 40. Herein, the progress tones and audio deliveries are controlled by the address).

With respect to claim 16, Kozdon discloses a method of multicasting announcements, the method comprising:

Art Unit: 2616

establishing an address (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming a plurality of announcements (col. 3, lines 64-65 and Fig. 3, a multicast server 10 for storing or creating the tones 44 or deliveries 43);

determining when the announcements will be played to the address (col. 6, lines 31-36, in step 46, the stored tones and deliveries are associated with multicast addresses. This may be performed by identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10 or hard disk locations of the music source. Herein, the tones and deliveries are played to the addresses only when the locations in the memory space are already determined);

playing the plurality of announcements to a distinct address in a memory device (Fig. 3, step 46, tones and deliveries are continuously broadcasted to associated addresses); and

allowing multiple entities to retrieve an announcement from any of the distinct addresses (col. 4, lines 12-14 – telephony enabled devices within the network may obtain a particular call progress tone by registering to the specific multicast group).

With respect to claim 17, Kozdon discloses that wherein the announcement being played at a particular address is switched substantially immediately to another announcement (col. 2, lines 66-67 – the ACD device can periodically select an alternate announcement from the multiplex stream, which comprising a plurality of multiplexed tones or deliveries).

Art Unit: 2616

With respect to claims 19, 20, and 27, Kozdon discloses an announcement server (Fig. 3, element 10) comprising:

means for initiating the broadcasting of announcements (Fig. 3, element 50 including means for multicasting signals);

means for determining an address to broadcast the announcements (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10) and means for continuously broadcasting the announcements to the address (Fig. 3, step 46, call progress tones and deliveries are continuously broadcasting to associated addresses);

means for determining when the announcements will be played to the address (col. 6, lines 31-36, in step 46, the stored tones and deliveries are associated with multicast addresses. This may be performed by identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10 or hard disk locations of the music source. Herein, the tones and deliveries are played to the addresses only when the locations in the memory space are already determined);

means for communicating the address to a proxy (col. 5, lines 33-39 – proxies are used to receive and process call progress tones and deliveries from the server), the proxy communicating the address to a caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in

Art Unit: 2616

Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forward the addresses to the telephony-enabled devices to enable the devices to register); and

means for broadcasting the announcements to the address (Fig. 3, step 46, music-on-hold, announcements and progress tones are broadcasted to the addresses).

4. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant et al (US Pub 2002/0136206 A1). Hereinafter, referred to as Gallant.

With respect to claim 11, Rosenberg discloses a method for multicasting announcements, the method comprising:

determining when an INVITE message will be transmitted to a called party device and transmitting the INVITE message to the called party device (page 6, 86th paragraph – proxy NS1 attempts contact via Terminal 2 by sending an INVITE message. Herein, the INVITE message is transmitted to Terminal 2 when proxy NS1 wants to contact Terminal 2);

receiving responsively to the INVITE message, a response message from the called party device (page 6, 86th paragraph – Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing), the response message including a Real Time Protocol (RTP) destination address (herein, the provisional response must include the address of the Terminal 2); and

locating the RTP destination address (herein, response is received at the proxy) and obtaining a broadcasted announcement from the RTP destination address (the ringing tone).

Art Unit: 2616

With respect to claims 12 and 13, Gallant discloses that wherein the announcement is call routing-tone and/or call ringing tone (page 6, 86th paragraph - Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing. Herein, the tone is a ringing tone or routing tone).

With respect to claims 14 and 15, Gallant discloses that wherein the response message is a “100 Trying” and/or “180 Ringing” message (page 6, 84th paragraph and 86th paragraph – “100 Trying” and “180 Ringing”).

Response to Arguments

5. Applicant's arguments filed February 20, 2007 have been fully considered but they are not persuasive.

Applicant argues in pages 10 and 12 that Kozdon does not disclose “continuously broadcasting the announcements to an address in a memory”. First of all, in the Amendment filed February 20, 2007, the claimed limitation “continuously” recited in independent claims 1, 6, 11, 16, 19, 21, 26, and 27, had been deleted. Therefore, Applicant's arguments are **MOOT**. **However**, assuming that independent claims 1, 6, 11, 16, 19, 21, 26, and 27 recite “continuously broadcasting”, the claimed limitation is indeed taught by Kozdon. Kozdon discloses that as an alternative to step 43, **continuous** music-on-hold can be **delivered** from an external source, such as an external DVD player or from an Internet radio station (col. 6, lines 24-27). Herein, the continuous music-on-hold will be continuously delivered to the determined address in a memory.

Applicant further argues in page 12 that Kozdon does not disclose establishing an address in a memory, forming an announcement, and determining when the announcement will be played to the address. Examiner respectfully disagrees. Kozdon discloses establishing an address in a memory (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10), forming an announcement (Fig. 3, steps 43-44, announcements and progress tones are formed), and determining when the announcement will be played to the address (col. 6, lines 31-36, in step 46, the stored tones and deliveries are associated with multicast addresses. This may be performed by identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10 or hard disk locations of the music source. Herein, the tones and deliveries are played to the addresses only when the locations in the memory space are already determined).

Applicant, furthermore, argues in page 13 that Gallant does not disclose determining when announcement will be played to the address. Examiner has carefully reviewed independent claim 11 and found no such claimed limitation.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2616


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5/14/07